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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/511,709	06/20/2005	Klaus Jansen	22007.004US	6753

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EXAMINER	
LIU, JONATHAN	

ART UNIT	PAPER NUMBER
3673	

MAIL DATE	DELIVERY MODE
10/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/511,709	JANSEN, KLAUS	
	Examiner	Art Unit	
	Jonathan J. Liu	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.

4a) Of the above claim(s) *10-18* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 October 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/25/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to remarks filed 9/24/2007

Response to Arguments

1. Applicant's arguments filed 9/24/2007 have been fully considered but they are not persuasive.

With regards to applicant's arguments that the elastic bodies of Sigl do not connect adjacent slats together – such is not the case, as members 3'/4' (the one-piece embodiment) connect two adjacent slats together (see figure 5). Additionally, members 3 connect two adjacent slats together (see figure 4).

In regards to applicant's remarks that neither members 3, 4, and 3'/4' are "spring elements" – as now clarified, members 9 or 20 are the spring elements as they are necessarily made from the same elastic material as members 3, 4, and 3'/4' - accordingly, members 9, 20 are inherently spring elements by means of being elastic (col. 4, line 3).

Claim Rejections - 35 USC § 102

> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Sigl (US 5,280,658). Sigl discloses a supportive spring base for a mattress for a place to sleep and/or recline, the supportive spring base having: a plurality of spring slats (6, 7) running at a parallel distance to one another and lying in a common plane [see figure 4 – there are an infinite number of planes – e.g. any plane intersecting both pairs of slats (6, 7), *or* a plane running vertically through the center of leftmost members 3'/4' *or*

a plane running vertically through member 3...], and a frame having longitudinal struts (16) which run transversely with respect to the spring slats, on which the spring slats are mounted with end regions on the longitudinal struts (by means of members 4'), and connecting elements (3, 4, and 3'/4' [the one-piece embodiment]) for connecting at least two of the spring slats to each other, wherein the connecting elements comprise load-bearing means (e.g. 4', 10, *or* 21) and spring elements (e.g. 9 *or* 20 – see above discussion in remarks), with the spring elements partially protruding with respect to the plane of the spring slats in order to impart independent spring properties to the connecting elements, and with the load-bearing means holding the spring elements between two adjacent spring slats.

With regards to claim 2, the connecting elements (3, 3'/4' [one-piece]) are at least partially elastic for transmitting at least part of the movement of a particular spring slat to at least one adjacent spring slat (col. 4, line 3).

In regards to claim 3, vertical compressive deflections of the connecting elements (3, 3'/4' [one-piece]) and/or spring slats are at least partially transmitted to adjacent spring slats by the connecting elements, and one particular connecting element is arranged between two adjacent, parallel spring slats (see figure 4).

Regarding claim 4, the connecting elements are mounted in an elastically and/or articulated manner on at least two different spring slats (see figures 4-5).

With regards to claim 6, at least one spring element of the connecting elements (3, 4) is designed as an elastic wing (9).

Claim Rejections - 35 USC § 103

3. Claims 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sigl (US 5,280,658). Sigl discloses the invention of claim 1. Furthermore, the connecting elements (3, 4) are mounted on the spring slats in such a manner that the connecting elements are *capable of being* moved relative to the spring slats both in a rotational and translational manner [col. 4, lines 25-31 – the connecting elements move in a translational manner and are capable of being rotated as there must *inherently* be a clearance between the slats and the connecting elements (3, 4) – as that same clearance is necessary to slide said connecting elements along the slats].

In regards to claim 7, the connecting elements (e.g. 3, 4, 3'/4' [one-piece]) have suspension devices (e.g. 9 *or* 10) for connecting the connecting elements to the spring slats [for **this** claim [and dependent claim 8]: with respect to parent claim 1, the connecting elements are 3 and 4 (claim 1), the load-bearing means are members 21 (claim 1), the spring elements are members 20 (claim 1) since members 3, 4 are *capable of* having members 20 (col. 4, lines 27-28; see also figure 6), and the suspension devices are members 9 (claim 7)].

With regards to claim 8, the suspension devices can be rotated relative to the spring slats about a longitudinal axis of the respective spring slat, and in that the suspension devices are additionally movable in a translational manner with respect to the spring slats (see above explanation with respect to claim 5).

Regarding claim 9, at least one of the suspension devices (10) of the connecting elements (3'/4' [one-piece]) is assigned at least one locking device (8) which

fixes the respective connecting element (3'/4' [one-piece]) nondisplaceably in the longitudinal direction of at least one spring slat in a frictional and/or non-positive manner (by means of attaching to adjacent connecting members), and/or the locking device is connected flexibly to the load-bearing means (4') of the connecting element in such a manner that the locking device does not substantially impair the mobility of the suspension devices (10) [for **this** claim: with respect to parent claims 1 and 7 – the connecting elements are 3'/4' [one-piece] (claim 1), the load bearing means are members 4' (claim 1), the spring elements are members 20 (claim 1), the suspension devices are members 10 (claim 7), and the locking devices are members 8 (claim 9)].

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan J. Liu whose telephone number is (571) 272-8227. The examiner can normally be reached on Monday through Friday, 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Patricia Engle
Supervisory Patent Examiner
Art Unit 3673

10-5-07

Jonathan Liu
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